

REMARKS

The application has been carefully reviewed in light of the Office Action dated November 15, 2007. Claims 34-63 are presented for examination, of which Claims 34, 46-49 and 54-60 are in independent form. Favorable reconsideration is respectfully requested.

In the Office Action, Claims 49, 50, 53-60, 62 and 63 were again rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,215,523 (Anderson et al.) in view of U.S. Patent 6,441,854 (Fellegara et al.). In addition, Claim 51 was again rejected under Section 103(a) as being obvious from *Anderson '523* in view of *Fellegara* and U.S. Patent 6,657,702 (Chui et al.), Claim 52, as being obvious from *Anderson '523* in view of *Fellegara* and U.S. Patent 6,680,749 (Anderson et al.), Claims 34-40, 44-48 and 61, as being obvious from *Anderson '749* in view of U.S. Patents 6,549,304 (Dow et al.), *Anderson '523* and *Fellegara*, Claim 41, as being obvious from *Anderson '749* in view of *Dow*, *Anderson '523*, *Fellegara* and U.S. Patent 5,752,053 (Takakura et al.), and Claims 42 and 43, as being obvious from *Anderson '749* in view of *Dow*, *Anderson '523*, *Fellegara* and *Chui*. Applicant has again carefully studied the Office Action and the prior art, but strongly believes that the claims are allowable over the art cited against them, for at least the following reasons.

Applicant believes that the nature of what is being claimed, and the cited prior art, have been adequately discussed in previous papers, and that it is not necessary to repeat that discussion in full.

Claim 34 recites, among other features, “a second control display unit adapted to effect, in a size larger than that of the reduction image, automatic sequential

display of images corresponding to the stored images which correspond respectively to the reduction images selected by said reduction image selection unit; a designating unit adapted to designate at least one image among the images displayed by said second display control unit in the size larger than that of the reduction image, as an image to be subjected to a specific image process; a holding unit adapted to hold information indicating which of the images is designated by said designating unit as the image to be subjected to the specific image process, during at least the automatic and sequential display effected by said second display control unit; and a specifying unit adapted to specify the storage image corresponding to the image indicated by the information held by said holding unit as an image group to be subjected to the specific image process, when the automatic sequential display by said second display control is completed [emphases added].”

These features allow a user to review a set of images, each shown in a size larger than that of the reduction image, via an automatic sequential display managed by the second display control unit. The user may select, during the automatic sequential display, one or more of the images for a specific image process, where the selection is accepted and shown by the designating unit and recorded by the holding unit, and have the selected images processed all at once after the automatic sequential display. Through these features, the apparatus of Claim 34 provides the advantage that the user can easily and quickly judge whether each of the images is good so as to decide whether to subject it to a particular image process. This is possible because the images are each shown in a relatively large size via an automatic sequential display. The apparatus provides the additional advantage that all the user needs to do during the automatic sequential display is

to select the images for a specific image process, and the selected images will be processed all at once after the automatic sequential display.

As explained in Applicant's Amendment of February 21, 2007, the designating unit of Claim 34 accepts and shows, during an automatic sequential display of images, the selection of at least one of the images for a specific image process, each shown in a larger size than that of a reduction image. This unit is not believed to be taught or suggested by anything found or pointed out in *Anderson '749*, considered alone or in view of *Dow*, *Anderson '523* and *Fellegara*. The portion of *Anderson '749* cited in the Office Action as disclosing this feature does not appear to contain any suggestion of a designating unit as described in Claim 34. This is because the cited portion of *Anderson '749* does not involve any automatic sequential display of images, not to mention the selection of images during an automatic sequential display. Even if one assumes for argument's sake that the other references applied against Claim 34 show all that they are cited for and that the proposed combination would be a permissible one, nothing in *Anderson '749* in view of *Dow*, *Anderson '523* and *Fellegara* is believed to disclose or suggest the selection, during an automatic sequential display, of images for a specific image process to take place after the display.

In the *Anderson '749* system, four thumbnail images are displayed at once across the top of the device (see Fig. 9), and one of these, selected by the user, is displayed 704 in a larger size. In the menu mode, the user can select one of a number of processing actions, and can preview the image (i.e., see what the image would look like if processed using the action in question). As described in *Anderson '749* at col. 12, line 65, through col. 13, line 21:

“When the application program is executed, the *selected* image is *displayed as the large thumbnail 854*, and the different type of effects provided by the application are automatically applied to the selected image. The results of the different types of effects applied to the selected images are shown in the application-specific items **852** as thumbnail images to provide the user with a real-time preview of the results.... Each of these different types of distortion effects is applied to the image represented by the large thumbnail **854** and displayed as a thumbnail is [*sic*; as] image **852**. The user may then *scroll through the thumbnails 852* displaying the preview results and *select one of the effects* to permanently apply to the selected image. The resulting image can then be saved and/or printed. [*italic emphases added*]”

Thus, the selection in *Anderson '749* is made *prior* to the display of the image in the large size. To meet the Claim 34 feature of “a second control display unit adapted to effect, in a size larger than that of the reduction image, automatic sequential display of images corresponding to the stored images which correspond respectively to the reduction images selected by said reduction image selection unit”, what is missing from *Anderson '749* is displaying plural selected images, automatically and sequentially, in a size larger than the size of the reduction image.

To provide a displaying of plural selected images, automatically and sequentially, in a size larger than thumbnail size, the Office Action relies on *Anderson '523*, for displaying the selected images, in a size larger than the reduction image, and *Fellegara*, for performing that display automatically and sequentially.

In *Anderson '523* the Office Action particularly cites col. 6, line 63, through col. 7, line 24, and col. 12, lines 35-63. Applicant agrees that *Anderson '523* describes a review mode, in which a series of small and large thumbnail images are shown (col. 12, lines 35-43), and a play mode, in which a series of images are shown (col. 7, lines 10-13), and agrees too that *Fellegara* describes an automatic and sequential display of a series of images.

Nonetheless, the rejection of Claim 34 is still improper unless a person of ordinary skill would have had some reason, not merely to combine these features with the Anderson '749 system, but *to do so specifically in a way that would result in the combination having the recited "second control display unit adapted to effect, in a size larger than that of the reduction image, automatic sequential display of images corresponding to the stored images which correspond respectively to the reduction images selected by said reduction image selection unit"*. At bottom, this is where Applicant finds himself completely unable to agree with the analysis in the Office Action. Even if it is assumed that a person of merely ordinary skill had had a reason to add features of the Anderson '523 play mode or review mode to the Anderson '749 system (using an automatic and sequential display from *Fellegara* for that purpose), there is simply nothing in any of these documents to suggest that it would be desirable to construct a system in which, after a selection of several images has been made from a first display of images, the selected images should then be displayed again, in a different size, for a second cut to be made to designate the images that are actually to be subjected to the intended type of processing. Anderson '749 only contemplates showing the user a single selected image, accompanied by versions of that same image to indicate to the user how the single image would look if it were to be subjected to various available type of processing. There is no suggestion of a system in which the user makes a first selection of images, and then makes a second selection from among the images selected initially, and as far as Applicant can see, there is no reason why such the possibility or desirability of such a system would even occur to a person of ordinary skill, from any amount of study of Anderson '749, Anderson '523 and *Fellegara* (and *Dow*, as well). This, however, is precisely what occurs in a

system that has the features recited in Claim 34. For at least this reason, Applicant strongly believes that the rejection of Claim 34 is improper, and should be withdrawn

Moreover, as explained in applicant's Amendment of September 4, 2007, the holding unit and the specifying unit of Claim 34 cannot operate in the manner recited in that claim, unless such a second selection occurs.

For at least these reasons, Claim 34 is believed to be allowable over *Anderson '749*, *Dow*, *Anderson '523* and *Fellegara*, taken separately or in any permissible combination

Independent Claims 46-48 are method, medium and program claims corresponding to apparatus Claim 34, and therefore are also believed to be allowable for the reasons just stated.

Independent Claim 49 recites, among other features, "a second display control unit adapted to cause a display device to automatically change, sequentially, display of images each larger than, and each corresponding to, a respective reduction image displayed by said first display control unit; an indicating unit adapted to indicate at least one image among the images automatically changed and sequentially displayed by said display control unit; and a registering unit adapted to register the image indicated by said indicating unit as a target of a single process."

These features allow a user to review a set of images, each shown in a size larger than that of the reduction image, via an automatic sequential display managed by the second display control unit. The user may select one or more of the images during the automatic sequential display, where the selection is accepted and shown by the indicating unit and recorded by the registering unit, and have the selected images processed all at once

after the automatic sequential display. Through these features, the apparatus of Claim 49 provides the advantage that the user can easily and quickly judge whether each of the images is good so as to decide whether to subject it to further processing. This is possible because the image are each shown in a relatively large size via an automatic sequential display. The apparatus provides the additional advantage that all the user needs to do during the automatic sequential display is to select the images for further processing, and the selected images will be processed all at once after the automatic sequential display.

As explained in the Amendment of September 4, 2007, the indicating unit of Claim 49, which accepts and shows, during an automatic sequential display of images, the selection of at least one of the images in the display, each shown in a size larger than that of the reduction image, is not believed to be taught or suggested by anything found or pointed out in *Anderson* '523 in view of *Fellegara*. In the Office Action, the Examiner states that *Anderson* '523 fails to teach an indication unit as described in Claim 49 while *Fellegara* teaches the automatic sequential display of images. However, nothing in *Anderson* '523 or *Fellegara* is believed to disclose or suggest the selection, during an automatic sequential display, of images for further processing that is to take place after the display.

For at least these reasons, Claim 49 is believed to be allowable over *Anderson* '523 and *Fellegara*, taken separately or in any permissible combination.

Independent Claims 55-57 are method, program and medium claims corresponding to apparatus Claim 49, respectively, and therefore are also believed to be allowable for the same reasons.

Independent Claim 54 recites, among other features, “a display control unit adapted to control so that the images captured by said capturing unit are automatically and sequentially displayed in full-screen as a slideshow; an indicating unit adapted to indicate at least one image among the images displayed in full-screen as the slideshow by said display control unit; and a registering unit adapted to register the image indicated by said indicating unit, as a target of a specific process.” This claim is similar to Claim 49 except that it does not involve reduction images and that each of the images is shown in full screen, rather than in an intermediate size larger than that of a reduction image, via an automatic sequential display.

Claim 54, like Claim 49, is therefore believed to be allowable over *Anderson '523* and *Fellegara*, taken separately or in any permissible combination.

Independent Claims 58-60 are method, program and medium claims corresponding to apparatus Claim 54, and therefore are also believed to be allowable for the same reasons.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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